

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JARVIS JERRELL DUGAS,

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.,

Defendants.

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Case No. 6:21-cv-175-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jarvis Jerrell Dugas, an inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On June 1, 2021, the Magistrate Judge ordered Plaintiff to pay an initial partial filing fee of \$26.00 and directed Plaintiff to file an amended complaint setting out a short and plain statement of his claims. Docket Nos. 6, 8. When Plaintiff did not comply, even after receiving an extension of time, the Magistrate Judge issued a Report recommending that the Court dismiss the lawsuit for failure to prosecute or to obey an order of the Court. Docket No. 14. Plaintiff filed objections. Docket No. 17.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United*


Servs. Auto. Ass’n, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In his objections, Plaintiff states that he needs discovery to prove spoliation of evidence. However, his objections do not mention the order requiring the initial partial filing fee, and Plaintiff has not paid this fee or shown good cause for the failure to do so. Further, while Plaintiff has filed two amended complaints, these amended complaints do not comply with the order directing him to set out a short and plain statement of his claims. Plaintiff’s second amended complaint provides a laundry list of defendants, including the United States of America, the People’s Republic of China, the “Texas Oil Company,” the “Judicial Department of Criminal and Civil Justice,” the Office of the Attorney General, the U.S. Treasury Department, the Internal Revenue Service, the University of Texas Medical Department, Judges Vanessa Gilmore, Janice Ellington, and George Hanks of the Southern District of Texas, and the law firm of Schiffer Hicks Johnson, PLLC. Docket No. 26. The complaint appears to revolve around the dismissal of a lawsuit styled *Dugas v. Scott, et al.*, Case No. 4:19-cv-3877 (S.D. Tex.), dismissed as frivolous on December 13, 2019. Finally, review of the amended complaint fails to discern any claim upon which relief may be granted.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly,

the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 9) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice for failure to prosecute or to obey an order of the Court. It is further **ORDERED** that the statute of limitations is **SUSPENDED** for a period of 90 days following the date of entry of final judgment. The suspension of the statute of limitations shall not affect any claims which were already barred by limitations at the time the present lawsuit was filed, because such claims remain barred regardless of any suspension of the limitations period.

So **ORDERED** and **SIGNED** this **21st** day of **January, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE